

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation )  
Against: )**

**CURT ELIOT LIEBMAN, M.D. )**

**Case No. 800-2018-048755**

**Physician's and Surgeon's )  
Certificate No. G148616 )**

**Respondent )  
\_\_\_\_\_ )**

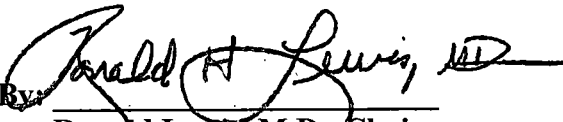
**DECISION**

**The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on June 21, 2019.**

**IT IS SO ORDERED May 22, 2019.**

**MEDICAL BOARD OF CALIFORNIA**

**By:   
\_\_\_\_\_  
Ronald Lewis, M.D., Chair  
Panel A**

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 EMILY L. BRINKMAN  
Deputy Attorney General  
4 State Bar No. 219400  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 510-3374  
6 Facsimile: (415) 703-5843  
E-mail: Emily.Brinkman@doj.ca.gov  
7 *Attorneys for Complainant*

8  
9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12  
13 In the Matter of the Accusation Against:

Case No. 800-2018-048755

14 **CURT ELIOT LIEBMAN, M.D.**  
2461 Santa Monica Blvd. Ste. 108  
15 Santa Monica, CA 90404-2138

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

16 **Physician's and Surgeon's Certificate**  
17 **No. G148616**

Respondent.

18  
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
23 of California (Board). She brought this action solely in her official capacity and is represented in  
24 this matter by Xavier Becerra, Attorney General of the State of California, by Emily L. Brinkman,  
25 Deputy Attorney General.

26 2. Respondent Curt Eliot Liebman, M.D. (Respondent) is representing himself in this  
27 proceeding and has chosen not to exercise his right to be represented by counsel.

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1       3.     On or about April 11, 2017, the Board issued Physician's and Surgeon's Certificate  
2     No. G148616 to Curt Eliot Liebman, M.D. (Respondent). The Physician's and Surgeon's  
3     Certificate was in full force and effect at all times relevant to the charges brought in Accusation  
4     No. 800-2018-048755, and will expire on October 31, 2020, unless renewed.

5                               JURISDICTION

6       4.     Accusation No. 800-2018-048755 was filed before the Board, and is currently  
7     pending against Respondent. The Accusation and all other statutorily required documents were  
8     properly served on Respondent on December 12, 2018. Respondent timely filed his Notice of  
9     Defense contesting the Accusation.

10      5.     A copy of Accusation No. 800-2018-048755 is attached as exhibit A and incorporated  
11     herein by reference.

12                               ADVISEMENT AND WAIVERS

13      6.     Respondent has carefully read, and understands the charges and allegations in  
14     Accusation No. 800-2018-048755. Respondent has also carefully read, and understands the  
15     effects of this Stipulated Settlement and Disciplinary Order.

16      7.     Respondent is fully aware of his legal rights in this matter, including the right to a  
17     hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
18     his own expense; the right to confront and cross-examine the witnesses against him; the right to  
19     present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
20     the attendance of witnesses and the production of documents; the right to reconsideration and  
21     court review of an adverse decision; and all other rights accorded by the California  
22     Administrative Procedure Act and other applicable laws.

23      8.     Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
24     every right set forth above.

25                               CULPABILITY

26      9.     Respondent admits the truth of each and every charge and allegation in Accusation  
27     No. 800-2018-048755.

28       \\

10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

## CONTINGENCY

11. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Respondent Curt Eliot Liebman, M.D., Physician's and Surgeon's Certificate No. G148616, is publicly reprimanded pursuant to California Business and Professions Code section 2227, subdivision (a)(4). This public reprimand is issued in connection with the discipline imposed by the Kentucky Board of Medical Licensure, as set forth in Accusation No. 800-2018-048755.

PREScribing PRACTICES COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in prescribing practices approved in advance by

1 the Board or its designee. Respondent shall provide the approved course provider with any  
2 information and documents that the approved course provider may deem pertinent. Respondent  
3 shall participate in and successfully complete the classroom component of the course not later  
4 than six (6) months after Respondent's initial enrollment. Respondent shall successfully  
5 complete any other component of the course within one (1) year of enrollment. The prescribing  
6 practices course shall be at Respondent's expense and shall be in addition to the Continuing  
7 Medical Education (CME) requirements for renewal of licensure.

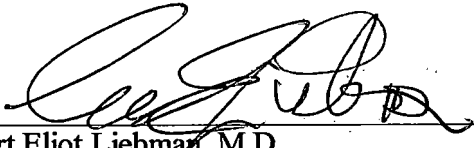
8 A prescribing practices course taken after the acts that gave rise to the charges in the  
9 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
10 or its designee, be accepted towards the fulfillment of this condition if the course would have  
11 been approved by the Board or its designee had the course been taken after the effective date of  
12 this Decision.

13 Respondent shall submit a certification of successful completion to the Board or its  
14 designee not later than 15 calendar days after successfully completing the course, or not later than  
15 15 calendar days after the effective date of the Decision, whichever is later.

16 ACCEPTANCE

17 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
18 stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this  
19 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
20 to be bound by the Decision and Order of the Medical Board of California.

21  
22 DATED: 4.12.19

23   
Curt Eliot Liebman, M.D.  
Respondent

24 ///

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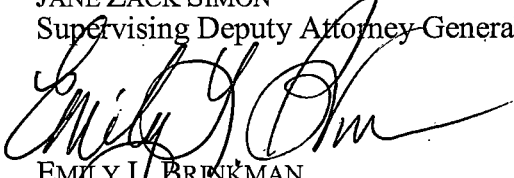
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: 4/12/2019

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
JANE ZACK SIMON  
Supervising Deputy Attorney General

  
EMILY L. BRINKMAN  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 800-2018-048755**

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 EMILY L. BRINKMAN  
Deputy Attorney General  
4 State Bar No. 219400  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 510-3374  
6 Facsimile: (415) 703-5843  
E-mail: Emily.Brinkman@doj.ca.gov  
7 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO *December 12 2018*  
BY *[Signature]* ANALYST

8  
9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12  
13 In the Matter of the Accusation Against:

Case No. 800-2018-048755

14 **Curt Eliot Liebman, M.D.**  
2461 Santa Monica Blvd. Ste. 108  
15 Santa Monica, CA 90404-2138

**A C C U S A T I O N**

16 Physician's and Surgeon's Certificate  
No. G 148616,

17 Respondent.  
18

19  
20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
22 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
23 Affairs (Board).

24 2. On or about April 11, 2017, the Medical Board issued Physician's and Surgeon's  
25 Certificate Number G 148616 to Curt Eliot Liebman, M.D. (Respondent): The Physician's and  
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
27 herein and will expire on October 31, 2020, unless renewed.

28 ///



## JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

5. Section 141 of the Code states:

“(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

“(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country.”

6. Section 2305 of the Code states:

“The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state.”

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1 **CAUSE FOR DISCIPLINE**

2 **(Discipline, Restriction, or Limitation Imposed by Other Jurisdiction)**

3 7. On August 9, 2018, the Kentucky Board of Medical Licensure (Kentucky Board)  
4 issued an Emergency Order of Restriction that prohibited Respondent from prescribing,  
5 dispensing or professionally utilizing controlled substances following the issuance of a felony  
6 indictment for trafficking controlled substances. Respondent eventually pled guilty to a  
7 misdemeanor violation of possession of a controlled substance not in its original container. The  
8 facts related to the criminal case indicate that in 2015, Respondent diverted six hydrocodone  
9 tablets and two oxycodone tablets that had been prescribed to him by another doctor and provided  
10 these pills, along with marijuana, to a friend suffering from knee pain from an old football injury.  
11 A copy of the Kentucky Board Order and related documents are attached as Exhibit A.

12 8. On October 18, 2018, the Kentucky Board and Respondent entered into an Agreed  
13 Order placing Respondent's license to practice medicine on probation for five years with terms  
14 and conditions effective immediately. The Agreed Order was based on Respondent's guilty plea  
15 and conduct related to diverting pain medication and marijuana. As part of Respondent's  
16 probation he is required to complete and pass the *ProBe* Program, an ethics program, through the  
17 Center for Personalized Education for Physicians

18 9. Respondent's conduct and the actions of the Kentucky Board as set forth in  
19 paragraphs 7 and 8, above, constitute unprofessional conduct within the meaning of section 2305  
20 and conduct subject to discipline within the meaning of section 141 of the Code.

21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
23 and that following the hearing, the Medical Board of California issue a decision:

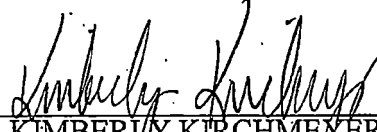
24 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 148616,  
25 issued to Curt Eliot Liebman, M.D.;

26 2. Revoking, suspending or denying approval of Curt Eliot Liebman, M.D.'s authority to  
27 supervise physician assistants and advanced practice nurses;  
28

1        3.    Ordering Curt Eliot Liebman, M.D., if placed on probation, to pay the Board the costs  
2 of probation monitoring; and

3        4.    Taking such other and further action as deemed necessary and proper.  
4

5        DATED: December 12, 2018

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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**EXHIBIT A**

Kentucky Board of Medical Licensure Documents

FILED OF RECORD

OCT 18 2018

K.B.M.L.

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 1875

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF  
KENTUCKY HELD BY CURT E. LIEBMAN, M.D., LICENSE NO. 26066, 702  
EXECUTIVE PARK, LOUISVILLE, KENTUCKY 40207

AGREED ORDER

Come now the Kentucky Board of Medical Licensure ("the Board"), acting by and through its Hearing Panel A, and Curt E. Liebman, M.D., ("the licensee"), and, based upon their mutual desire to fully and finally resolve the pending complaint without an evidentiary hearing, hereby ENTER INTO the following AGREED ORDER:

STIPULATIONS OF FACT

The parties stipulate the following facts, which serve as the factual bases for this Agreed Order:

1. At all relevant times, Curt E. Liebman, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is radiology.
3. In or around 2015, the licensee diverted eight (8) pain pills (specifically six (6) hydrocodone tablets and two (2) oxycodone tablets) that had been prescribed to the licensee by his treating physician and provided marijuana to a friend who complained of knee pain from an old football injury.

STIPULATED CONCLUSIONS OF LAW

The parties stipulate the following Conclusions of Law, which serve as the legal bases for this Agreed Order:

1. The licensee's Kentucky medical license is subject to regulation and discipline by the Board.
2. Based upon the Stipulations of Fact, the licensee has engaged in conduct which violates the provisions of KRS 311.595(9), as illustrated by KRS 311.597(4), and KRS 311.595(12). Accordingly, there are legal grounds for the parties to enter into this Agreed Order.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve the pending complaint without an evidentiary hearing by entering into an informal resolution such as this Agreed Order.

#### AGREED ORDER

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to fully and finally resolve the pending complaint without an evidentiary hearing, the parties hereby ENTER INTO the following AGREED ORDER:

1. The license to practice medicine held by Curt E. Liebman, M.D., is hereby PLACED ON PROBATION FOR A PERIOD OF FIVE (5) YEARS, with that period of probation to become effective immediately upon the filing of this Agreed Order.
2. During the effective period of this Agreed Order, the licensee's medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:
  - a. Within twenty (20) days of the filing of this Agreed Order, the licensee SHALL make all necessary arrangements to enroll in the ProBe Program offered through the Center for Personalized Education for Physicians (CPEP), 720 South Colorado Boulevard, Suite 1100-N, Denver, Colorado 80246, Tel. (303) 577-3232, at the earliest time;


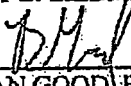
- i. The licensee SHALL complete and "unconditionally pass" the *ProBe* Program at the time and date(s) scheduled, at his expense and as directed by CPEP's staff;
    - ii. The licensee SHALL provide the Board's staff with written verification that he has completed and "unconditionally passed" CPEP's *ProBe* Program, promptly after completing the program;
    - iii. The licensee SHALL take all steps necessary, including signing any waiver and/or consent forms required to ensure that CPEP will provide a copy of any evaluations, reports or essays from the *ProBe* Program to the Board's Legal Department promptly after their completion;
  - b. Pursuant to KRS 311.565(1)(v), the licensee SHALL submit payment of a FINE in the amount of one-thousand dollars (\$1,000) to the Board within six (6) months from the date of entry of this Agreed Order; and
  - c. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.
3. The licensee expressly understands and agrees that the Board SHALL NOT consider any request to modify or terminate this Agreed Order unless and until he unconditionally passes the *ProBe* Program and satisfies the fine in full.
  4. The licensee expressly agrees that if he should violate any term or condition of this Agreed Order, the licensee's practice will constitute an immediate danger to the public health, safety, or welfare, as provided in KRS 311.592 and 13B.125. The parties further agree that if the Board should receive information that he has violated any term or condition of this Agreed Order, the Panel Chair is authorized by law to enter an Emergency Order of Suspension or Restriction immediately upon a finding of probable cause that a violation has occurred, after an *ex parte* presentation of the relevant facts by the Board's General Counsel or Assistant General Counsel. If the Panel Chair should issue such an Emergency Order, the parties agree and stipulate that a violation of any term or condition of this Agreed

Order would render the licensee's practice an immediate danger to the health, welfare and safety of patients and the general public, pursuant to KRS 311.592 and 13B.125; accordingly, the only relevant question for any emergency hearing conducted pursuant to KRS 13B.125 would be whether the licensee violated a term or condition of this Agreed Order.



5. The licensee understands and agrees that any violation of the terms of this Agreed Order would provide a legal basis for additional disciplinary action, including revocation, pursuant to KRS 311.595(13), and may provide a legal basis for criminal prosecution.

SO AGREED on this 10<sup>th</sup> day of OCTOBER, 2018.

FOR THE LICENSEE:

  
CURT E. LIEBMAN, M.D.  
  
BRIAN GOOD, ESQ.  
COUNSEL FOR THE LICENSEE

FOR THE BOARD:

  
DALE E. TONEY, M.D.  
CHAIR, HEARING PANEL A  
  
LEANNE K. DIAKOV  
General Counsel  
Kentucky Board of Medical Licensure  
310 Whittington Parkway, Suite 1B  
Louisville, Kentucky 40222  
(502) 429-7150

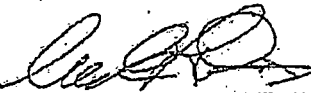


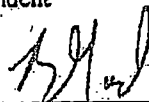
**WAIVER OF RIGHTS**

I, Curt E. Liebman, M.D., am presently the Respondent in Kentucky Board of Medical Licensure Case No. 1875. I understand that, under 201 KAR 9:082, I must waive certain rights if I wish to resolve this matter by informal dispensation. Accordingly, I WAIVE my right to raise any constitutional, statutory or common law objection(s) I may have to the Hearing Panel rejecting the proposed informal dispensation or to the curtailment of such a settlement by the Board's General Counsel or Assistant General Counsel.

Furthermore, if the Hearing Panel accepts the proposed Agreed Order as submitted, I WAIVE my right to demand an evidentiary hearing or to raise additional constitutional or statutory objections in this matter. However, if the Hearing Panel should reject the proposed Agreed Order, I understand that further proceedings will be conducted in accordance with KRS 311.530 *et seq.*, and I will have the right to raise any objections normally available in such proceedings.

Executed this 10<sup>th</sup> day of OCTOBER, 2018.

  
\_\_\_\_\_  
CURT E. LIEBMAN, M.D.  
Respondent

  
\_\_\_\_\_  
BRIAN GOOD, ESQ.  
COUNSEL FOR THE RESPONDENT

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 1875

FILED OF RECORD  
AUG 09 2018

K.B.M.L.  
IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF  
KENTUCKY HELD BY CURT E. LIEBMAN, M.D., LICENSE NO. 26066, 702  
EXECUTIVE PARK, LOUISVILLE, KENTUCKY 40207

COMPLAINT

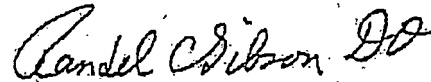
Comes now the Complainant Randel C. Gibson, D.O., Chair of the Kentucky Board of Medical Licensure's Inquiry Panel B, and on behalf of the Panel which met on July 19, 2018, states for its Complaint against the licensee, Curt E. Liebman, M.D., as follows:

1. At all relevant times, Curt E. Liebman, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is radiology.
3. In or around 2015, a confidential source received marijuana and pain pills from the licensee after complaining of knee pain from an old football injury. Task force officers recovered evidence including 36.6 grams of suspected marijuana, two (2) 2mg hydromorphone pills, and five (5) 5mg oxycodone tablets.
4. On or about March 28, 2018, the licensee was indicted on one (1) count of trafficking a Schedule II controlled substance, being Hydromorphone (less than ten (10) dosage units), a Class D felony, and one (1) count of trafficking a Schedule II controlled substance, being Oxycodone (less than ten (10) dosage units), a Class D felony.
5. On or about May 21, 2018, the above charges were amended to charges of possession of a controlled substance not in original container, Class-B misdemeanors, and the licensee entered pleas of guilty.

6. On or about March 28, 2018, a no true bill was returned on a count of trafficking a Schedule I hallucinogen, being marijuana (less than eight (8) ounces), a Class A misdemeanor.
7. Simultaneous to the issuance of this Complaint, an Emergency Order of Restriction was issued against the licensee's license to practice medicine in the Commonwealth of Kentucky, restricting him from prescribing, dispensing or otherwise utilizing controlled substances in the practice of medicine.
8. By his conduct, the licensee has violated KRS 311.595(9), as illustrated by KRS 311.597(4), and KRS 311.595(12). Accordingly, legal grounds exist for disciplinary action against his license to practice medicine in the Commonwealth of Kentucky.
9. The licensee is directed to respond to the allegations delineated in the Complaint within thirty (30) days of service thereof and is further given notice that:
  - (a) His failure to respond may be taken as an admission of the charges;
  - (b) He may appear alone or with counsel, may cross-examine all prosecution witnesses and offer evidence in his defense.
10. NOTICE IS HEREBY GIVEN that a hearing on this Complaint is scheduled for October 23, 2018, at 9:00 a.m., Eastern Standard Time, at the Kentucky Board of Medical Licensure, Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222. Said hearing shall be held pursuant to the Rules and Regulations of the Kentucky Board of Medical Licensure and pursuant to KRS Chapter 13B. This hearing shall proceed as scheduled and the hearing date shall only be modified by leave of the Hearing Officer upon a showing of good cause.

WHEREFORE, Complainant prays that appropriate disciplinary action be taken against the license to practice medicine in the Commonwealth of Kentucky held by Curt E. Liebman, M.D.


This 9<sup>th</sup> day of August, 2018.



RANDEL C. GIBSON, D.O.  
CHAIR, INQUIRY PANEL B

CERTIFICATE OF SERVICE

I certify that the original of this Complaint was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; a copy was mailed to Thomas J. Hellmann, Esq., Hearing Officer, 810 Hickman Hill Road, Frankfort, Kentucky 40601; and copies were mailed via certified mail return-receipt requested to the licensee, Curt E. Liebman, M.D., License No. 26066, 702 Executive Park, Louisville, Kentucky 40207, and to his counsel, Brian R. Good, Esq., Elder & Good, PLLC, 159 St. Matthews Avenue, Suite 1B, Louisville, Kentucky 40207 on this 9<sup>th</sup> day of August, 2018.



Leanne K. Diakov  
General Counsel  
Kentucky Board of Medical Licensure  
310 Whittington Parkway, Suite 1B  
Louisville, Kentucky 40222  
(502) 429-7150

FILED OF RECORD

AUG 09 2018

K.B.M.L.

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 1875

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF  
KENTUCKY HELD BY CURT E. LIEBMAN, M.D., LICENSE NO. 26066, 702  
EXECUTIVE PARK, LOUISVILLE, KENTUCKY 40207

**EMERGENCY ORDER OF RESTRICTION**

The Kentucky Board of Medical Licensure ("the Board"), acting by and through its Inquiry Panel B, considered this matter on July 19, 2018. At that meeting, Inquiry Panel B considered a memorandum from John Lewis, Medical Investigator, dated June 15, 2018; a memorandum from Michael S. Rodman, Executive Director Kentucky Board of Medical Licensure, dated April 16, 2018; a Commonwealth of Kentucky Jefferson Circuit Court, Criminal Division Indictment, filed March 28, 2018; an email from TRO Joshua Filson, Drug Enforcement Administration, dated May 1, 2018; a Jefferson Circuit Court Waiver of Court's Consideration of Pre-Sentence Investigative Report Prior to Sentencing, signed May 21, 2018; correspondence from Michael W. Oyler, Reed Weitkamp Schell & Vice, PLLC, dated April 24, 2018; and correspondence from Brian Good, the licensee's counsel, dated May 31 and June 6, 2018.

Having considered this information and being sufficiently advised, Inquiry Panel B ENTERS the following EMERGENCY ORDER OF RESTRICTION, in accordance with KRS 311.592(1) and 13B.125(1):

**FINDINGS OF FACT**

Pursuant to KRS 13B.125(2) and based upon the information available to him, Inquiry Panel B concludes there is probable cause to make the following Findings of Fact, which support this Emergency Order of Restriction:

1. At all relevant times, Curt E. Liebman, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is radiology.
3. In or around 2015, a confidential source received marijuana and pain pills from the licensee after complaining of knee pain from an old football injury. Task force officers recovered evidence including 36.6 grams of suspected marijuana, two (2) 2mg hydromorphone pills, and five (5) 5mg oxycodone tablets.
4. On or about March 28, 2018, the licensee was indicted on one (1) count of trafficking a Schedule II controlled substance, being Hydromorphone (less than ten (10) dosage units), a Class D felony, and one (1) count of trafficking a Schedule II controlled substance, being Oxycodone (less than ten (10) dosage units), a Class D felony.
5. On or about May 21, 2018, the above charges were amended to charges of possession of a controlled substance not in original container, Class B misdemeanors, and the licensee entered pleas of guilty.
6. On or about March 28, 2018, a no true bill was returned on a count of trafficking a Schedule I hallucinogen, being marijuana (less than eight (8) ounces), a Class A misdemeanor.

#### CONCLUSIONS OF LAW

Pursuant to KRS 13B.125(2) and based upon the information available to it, Inquiry Panel B finds there is probable cause to support the following Conclusions of Law, which serve as the legal bases for this Emergency Order of Restriction:


1. The licensee's Kentucky medical license is subject to regulation and discipline by this Board.
2. KRS 311.592(1) provides that the Board may issue an emergency order suspending, limiting, or restricting a physician's license at any time an inquiry panel has probable cause to believe that a) the physician has violated the terms of an order placing him on probation; or b) a physician's practice constitutes a danger to the health, welfare and safety of his patients or the general public.
3. There is probable cause to believe that the licensee has violated KRS 311.595(9), as illustrated by KRS 311.597(4), and (12).
4. The Inquiry Panel concludes there is probable cause to believe this licensee's practice constitutes a danger to the health, welfare and safety of patients or the general public.
5. The Board may draw logical and reasonable inferences about a licensee's practice by considering certain facts about a licensee's practice. If there is proof that a licensee has violated a provision of the Kentucky Medical Practice Act in one set of circumstances, the Board may infer that the licensee will similarly violate the Medical Practice Act when presented with a similar set of circumstances. Similarly, the Board concludes that proof of a set of facts about a licensee's practice presents representative proof of the nature of that licensee's practice in general. Accordingly, probable cause to believe that the licensee has committed certain violations in the recent past presents probable cause to believe that the licensee will commit similar violations in the near future, during the course of the licensee's medical practice.

6. The United States Supreme Court has ruled that it is no violation of the federal Due Process Clause for a state agency to temporarily suspend a license, without a prior evidentiary hearing, so long as 1) the immediate action is based upon a probable cause finding that there is a present danger to the public safety; and, 2) the statute provides for a prompt post-deprivation hearing. Barry v. Barchi, 443 U.S. 55, 61 L.Ed.2d 365, 99 S.Ct. 2642 (1979); FDIC v. Mallen, 486 U.S. 230, 100 L.Ed.2d 265, 108 S.Ct. 1780 (1988) and Gilbert v. Homar, 520 U.S. 924 (1997), 117 S.Ct. 1807 (1997). Cf. KRS 13B.125(1).
7. KRS 13B.125(3) provides that the Board shall conduct an emergency hearing on this emergency order within ten (10) working days of a request for such a hearing by the licensee. The licensee has been advised of his right to a prompt post-deprivation hearing under this statute.

#### EMERGENCY ORDER OF RESTRICTION

Based upon the foregoing Findings of Fact and Conclusions of Law, Inquiry Panel B hereby ORDERS that the license to practice medicine in the Commonwealth of Kentucky held by Curt E. Liebman, M.D., is RESTRICTED and Dr. Liebman is prohibited from PRESCRIBING, DISPENSING OR PROFESSIONALLY UTILIZING CONTROLLED SUBSTANCES until the Board's hearing panel has finally resolved the Complaint or until such further Order of the Board. Inquiry Panel B further declares that this is an EMERGENCY ORDER, effective upon receipt by the licensee.

SO ORDERED this 9<sup>th</sup> day of August, 2018.




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RANDEL C. GIBSON, D.O.  
CHAIR, INQUIRY PANEL B



**CERTIFICATE OF SERVICE**

I certify that the original of this emergency order was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; and copies were mailed via certified mail return-receipt requested to the licensee, Curt E. Liebman, M.D., License No. 26066, 702 Executive Park, Louisville, Kentucky 40207, and to his counsel, Brian R. Good, Esq., Elder & Good, PLLC, 159 St. Matthews Avenue, Suite 1, Louisville, Kentucky 40207 on this 9<sup>th</sup> day of August, 2018.

  
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